

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 ISO-00
SP-02 ICA-20 AID-05 EB-08 NSC-05 TRSE-00 SS-15
STR-07 OMB-01 CEA-01 CIAE-00 COME-00 FRB-01
INR-10 NSAE-00 XMB-04 OPIC-06 LAB-04 SIL-01 L-03
H-02 PA-02 INT-05 FTC-01 JUSE-00 OIC-02 DOE-15
SOE-02 /195 W

-----114413 051415Z /41

R 051320Z AUG 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 2951
INFO USMISSION USUN NEW YORK
AMEMBASSY BRUSSELS
AMEMBASSY PARIS

UNCLAS SECTION 01 OF 02 GENEVA 12037

USEEC

USOECD

E.O. 11652: N/A
TAGS: AORG, EGEN, ECOSOC, UN
SUBJECT: 1978 SUMMER ECOSOC - AGENDA ITEM 18: RES-
OLUTION ON TRANSNATIONAL CORPORATIONS (TNCS) AND
SOVEREIGNTY OVER NATURAL RESOURCES

REF: (A) GENEVA 10644; (B) STATE 182535
1. THE RES QUOTED BELOW, WHICH, WAS INTRODUCED IN FIRST
(ECONOMIC) COMMITTEE ON AUGUST 4 BY COLOMBIA ON BEHALF OF
THE G-77 (IRAQ BEING THE ACTUAL MOTOR BEHIND IT), WAS
ADOPTED IMMEDIATELY THEREAFTER WITHOUT DEBATE BY ROLL-CALL
VOTE OF 31-5-8. NEGATIVES WERE US, FRG, UK, FRANCE AND
ITALY, AND ABSTENTIONS WERE NETHERLANDS, JAPAN, AUSTRIA,
SWEDEN, FINLAND, GREECE, PORTUGAL AND NEW ZEALAND - - THUS
COMPRISING ALL WEO MEMBERS OF ECOSOC.
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2. AFTER THE VOTE THE US MADE THE FOLLOWING EXPLANATION
:

QUOTE MY DELEGATION VOTED AGAINST RES L.17 FOR A NUM-
BER OF REASONS. THE US ACCEPTS THE PRINCIPLE OF PERMA-
NENT SOVEREIGNTY OF STATES OVER THEIR NATURAL RESOURCES IN

CONFORMITY WITH THE PRINCIPLES OF INTERNATIONAL LAW. HOWEVER, THIS RESOLUTION DOES NOT MENTION INTERNATIONAL LAW. MOREOVER, IT EXPANDS THE CONCEPT OF PERMANENT SOVEREIGNTY IN A MANNER WHICH WE CONSIDER AMBIGUOUS AND QUESTIONABLE.

THE RESOLUTION APPLIES THE CONCEPT OF PERMANENT SOVEREIGNTY, AS THUS EXPANDED, TO COUNTRIES AND PEOPLES UNDER A VARIETY OF POLITICAL SITUATIONS, AND URGES TRANSNATIONAL CORPORATIONS AND INVESTMENT INSTITUTIONS NOT TO RECOGNIZE OR COOPERATE WITH SUCH REGIMES IN THE EXPLOITATION OF RESOURCES, WEALTH AND ECONOMIC ACTIVITIES. THIS, IN OUR VIEW IS A SWEEPING AND ILL-DEFINED CONCEPT.

EVEN WHERE DEFINITION IS NOT THE PROBLEM, THE POLITICAL SITUATIONS REFERRED TO IN THE RESOLUTION ARE NOT PARALLEL AND CANNOT BE DEALT WITH IN ONE SWEEP. THEY SEEM TO INCLUDE, FOR INSTANCE, PERFECTLY LEGITIMATE RELATIONSHIPS WITH A NUMBER OF SMALL DEPENDENT TERRITORIES SCATTERED OVER VARIOUS PARTS OF THE WORLD, INCLUDING SOME DEPENDENCIES OF THE US. MOREOVER, THE US CONSIDERS THAT THE ROLE OF TRANSNATIONAL CORPS. IN MANY OF THE SITUATIONS COVERED BY THE RESOLUTION CAN BE CONSTRUCTIVE, PROGRESSIVE, AND BENEFICIAL TO THE PEOPLES CONCERNED.

END QUOTE.

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3. SWEDEN, WHILE SUPPORTING THE PRINCIPLE OF SOVEREIGNTY OVER NATURAL RESOURCES AND THE STRUGGLE AGAINST OPPRESSION, APARTEID, ETC., CONSIDERED THE RESOLUTION CONTAINED CONCEPTS THAT WERE TOO GENERAL AND VAGUE AS WELL AS REFERENCES TO UN RESOLUTIONS WHICH SWEDEN COULD NOT SUPPORT. JAPAN EXPLAINED IT HAD ABSTAINED BECAUSE ITS POSITION ON SOVEREIGNTY OVER NATURAL RESOURCES HAD NOT CHANGED. FRG, ON BEHALF OF THE EC-9, STATED THE RESOLUTION EXTENDED THE CONCEPT OF PERMANENT SOVEREIGNTY IN A MANNER THAT WAS ILL-DEFINED AND QUESTIONABLE AND THAT THE COMMUNITY ALSO QUESTIONED THE LANGUAGE DIRECTED AT TNCS, WHICH IT DID NOT CONSIDER AN APPROPRIATE MEANS FOR DEALING WITH THE MAJOR PROBLEMS OF THESE AREAS. NETHERLANDS ADDED THAT IT HAD SERIOUS PROBLEMS WITH THE RESOLUTION'S LACK OF CLARITY, AND SPECIFICALLY QUESTIONED THE TERM "NEO-COLONIALISM". POLAND, ON BEHALF OF THE SOCIALIST COUNTRIES, PRAISED ALL ASPECTS OF THE RESOLUTION.

4. DEPARTMENT WILL NOTE THAT THE TEXT BELOW REPRESENTS A REVISION OF THE EARLIER INFORMAL IRAQI DRAFT TRANSMITTED WITH REFTEL A, WHICH WAS THEN EXPECTED TO SURFACE

UNDER AGENDA ITEM 20 (NATURAL RESOURCES).

5. RESOLUTION TEXT FOLLOWS:

"TRANSNATIONAL CORPORATIONS AND PERMANENT SOVEREIGNTY
OVER NATURAL AND OTHER RESOURCES

THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING GENERAL ASSEMBLY RESOLUTIONS 3201 (S-VI)
AND 3202 (S-VI) OF 1 MAY 1974 CONTAINING THE DECLARATION
AND THE PROGRAMME OF ACTION ON THE ESTABLISHMENT OF A
NEW INTERNATIONAL ECONOMIC ORDER, AND 3281 (XXIX) OF
12 DECEMBER 1974, CONTAINING THE CHARTER OF ECONOMIC
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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 SP-02 ICA-20 AID-05 EB-08
NSC-05 TRSE-00 SS-15 STR-07 OMB-01 CEA-01 CIAE-00
COME-00 FRB-01 INR-10 NSAE-00 XMB-04 OPIC-06
LAB-04 SIL-01 L-03 H-02 PA-02 INT-05 FTC-01
JUSE-00 OIC-02 DOE-15 SOE-02 /149 W
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AMEMBASSY BRUSSELS
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RIGHTS AND DUTIES OF STATES,

FURTHER RECALLING GENERAL ASSEMBLY RESOLUTIONS ON
PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES, PARTICULARLY
THEIR PROVISIONS SUPPORTING RESOLUTELY THE EFFORTS OF THE
DEVELOPING COUNTRIES AND PEOPLES SUBJECTED TO FOREIGN
OCCUPATION OR COLONIAL AND RACIAL DOMINATION IN THEIR
STRUGGLE FOR SELF-DETERMINATION AND TO REGAIN EFFECTIVE
CONTROL OVER THEIR NATURAL AND ALL OTHER RESOURCES,
WEALTH AND ECONOMIC ACTIVITIES,

1. REAFFIRMS THE RIGHT OF ALL COUNTRIES AND PEOPLES
UNDER FOREIGN OCCUPATION AND PEOPLES SUBJECTED TO COLONIAL
DOMINATION, NEO-COLONIALISM, APARTHEID, RACISM AND RACIAL
DISCRIMINATION TO FULL PERMANENT SOVEREIGNTY OVER THEIR
NATURAL RESOURCES AND ALL OTHER RESOURCES, WEALTH AND
ECONOMIC ACTIVITIES;

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2. URGES ALL TRANSNATIONAL CORPORATIONS AND INVEST-
MENT INSTITUTIONS NOT TO RECOGNIZE OR CO-OPERATE WITH OR
ASSIST IN ANY MANNER IN ALL MEASURES UNDERTAKEN BY THE
OCCUPYING POWER OR THE COLONIAL, APARTHEID OR RACIAL
REGIME TO EXPLOIT THE HUMAN, NATURAL OR OTHER RESOURCES,
WEALTH AND ECONOMIC ACTIVITIES OF THE ABOVE MENTIONED
COUNTRIES AND PEOPLES."

VANDEN HEUVEL

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